

IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

In re:	:	
Thiago R. Demira	:	Case No. 15-24374-TPA
Jacquelyn A. Demira	:	Chapter 13
Debtor(s)	:	
	:	
Ronda J. Winnecour, Chapter 13	:	
Trustee	:	Related to Doc. #77, 78 and 80
Movant(s)	:	
	:	Hearing: 2/3/21 at 11:00 a.m.
vs.	:	
	:	
NewRez LLC dba Shellpoint Mortgage	:	
Servicing	:	
Respondent(s)	:	

CHAPTER 13 TRUSTEE'S REPLY TO  
RESPONSE TO NOTICE OF FINAL CURE

Ronda J. Winnecour ("Trustee") responds as follows:

1. This matter pertains to the Notice of Final Cure ("Notice") of the mortgage of NewRez LLC dba Shellpoint Mortgage Servicing (Claim 18) ("Mortgage Creditor") filed at Doc 77. The Notice states that the mortgage has been paid through November 30, 2020 ("Cure Date"), and the Debtor(s) are due to resume mortgage payments beginning December 1, 2020 ("Debtor(s) Take-Over Date"). The Notice included a detailed list of all payments made by the Trustee.
2. Mortgage Creditor's response (at Doc 78) agrees that the debtor(s) have paid in full the amount required to cure the prepetition default, but claims that the Debtor(s) are due for 10/01/2020 in the amount of \$3,599.70.
3. Trustee believes Mortgage Creditor has been paid through November 2020, and beyond.

4. The Trustee disbursed payments in accordance with the Proof of Claim filed by Mortgage Creditor and subsequent payment change notices in the amounts and for the periods as follows:

Begin	End	Mos	Pmt	Total	Running Total Paid
12/01/2015	01/01/2017	13	1,287.29	16,734.77	16,734.77
01/01/2017	11/01/2017	10	1,288.29	12,882.90	29,617.67
11/01/2017	11/01/2019	24	1,290.41	30,969.84	60,587.51
11/01/2019	11/01/2020	12	1,265.78	15,189.36	75,776.87
11/01/2020	12/01/2020	1	1,277.32	1,277.32	77,054.19

There were no Notice(s) of Postpetition Mortgage Fees, Expenses, and Charges filed.

5. The case was filed 11/30/2015. Trustee therefore treated the first post-petition mortgage payment as coming due 12/1/2015. According to the Note, the payment is due the 1st day of the month.

6. According to the Proof of Claim and subsequent filed payment change notices, as set forth in the above table, the Trustee was to have paid the mortgage creditor the sum total of \$77,054.19 for the period 12/01/2015 to the Cure Date. Trustee's records reflect that the Mortgage Creditor was paid that amount

7. Trustee believes the Mortgage is paid through the Cure Date and that the Notice of Final Cure should have indicated that the mortgage was current and cured as of the Debtor(s) Take-Over Date. Still further, it appears to the Trustee, in reviewing the Response, that Mortgage Creditor has been paid \$1,277.32 post-Debtor(s) Take-Over Date (in December 2020) and that, therefore, the next payment due date should be 1/1/21.

8. If there is a real dispute over the pay-through date, a useful place to start is for the Mortgage Creditor to provide a total of what it believes it should have received for the applicable period and how it calculated the amount (in a table like the Trustee prepared so it is easy to understand and the source of any discrepancy is easily identified). This will at least provide a clue where the error may be. Trustee would note, however, in the event that the Mortgage Creditor prepares such a table and it comes up with different monthly payments than Trustee, it should identify the date the applicable payment change notice was filed (or the source of its determination of the monthly payment if different from a filed payment change notice). Trustee further notes that a possible source of the discrepancy is the Mortgage Creditor using the payment due amount for the period 1/1/17 to 10/1/17 as being \$1,648.26 when, according the Order of Court at Doc 55 (entered 1/20/17 on the Objection to Notice of Payment Change filed at Doc 48) the payment amount was set at \$1,288.29. The difference appears to equal the amount of claimed deficiency.

9. Absent a showing that the Mortgage Creditor should have been paid more than the amount paid, that being \$77,054.19 by the Trustee and another \$1,277.32 by the Debtor(s) for December 2020, the Mortgage should be deemed cured and current through December 2020, with the next payment due date of January 1, 2021.

WHEREFORE, the Trustee respectfully requests that the Court determine that: (a) the Trustee has disbursed all payments in accordance with the Debtor's Chapter 13 Plan through November 30, 2020, as to the mortgage of NewRez LLC dba Shellpoint Mortgage Servicing (Claim 18); (b) all prepetition arrears have been paid and the post-petition payments are fully current as of December 31, 2020; and (c) Debtor(s) are to

have resumed direct payments for all payments coming due in and after December 1, 2020.

RONDA J. WINNECOUR,  
CHAPTER 13 TRUSTEE

Date: December 23, 2020

By: /s/ Owen W. Katz  
Owen W. Katz, PA I.D. 36473  
Attorney for Chapter 13 Trustee  
U.S. Steel Tower, Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 471-5566  
Email: [okatz@chapter13trusteewdpa.com](mailto:okatz@chapter13trusteewdpa.com)

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CERTIFICATE OF SERVICE

I hereby certify that on the 23<sup>rd</sup> of December 2020, I served one true and correct copy of the foregoing document on the following parties in interest by United States first-class mail, postage prepaid, addressed as follows:

Joseph S. Sisca, Esquire  
Office of the United States Trustee  
Liberty Center, Suite 970  
1001 Liberty Avenue  
Pittsburgh, PA 15222-3721

Thiago and Jacquelyn Demira  
3660 Ashland Drive  
Bethel Park, PA 15102

Kenneth Steidl, Esquire  
Steidl & Steinberg  
707 Grant Street, Suite 2830  
Pittsburgh, PA 15219

Mukta Suri, Esquire  
Bonial & Associates, P.C.  
P.O. Box 9013  
Addison, Texas 75001

NewRez LLC dba Shellpoint Mortgage Servicing  
c/o Shellpoint Mortgage Servicing  
PO Box 10826  
Greenville, SC 29603-0826

/s/Rosa Richard  
Office of Chapter 13 Trustee  
U.S. Steel Tower – Suite 3250  
600 Grant Street  
Pittsburgh, PA 15219  
(412) 471-5566  
[cmecf@chapter13trusteewdpa.com](mailto:cmecf@chapter13trusteewdpa.com)